

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC.,
and TRUE THE VOTE,

Plaintiffs,

v.

J. BRADLEY KING, *et al.*

Defendants.

Case No. 1:12-cv-800-WTL-TAB

**PLAINTIFFS' MOTION TO MODIFY CASE MANAGEMENT PLAN AND TRIAL
SCHEDULE TO COMPRESS TRIAL**

Plaintiffs seek the Court's permission to make a minor modification to the parties Case Management Plan and the Court's Trial Scheduling Order to compress the trial period by eliminating two days from the currently scheduled trial and modifying the start date of the trial accordingly. In support of this Motion, the following is respectfully shown:

1. Trial is scheduled to commence on Monday, May 19, 2014, and the parties have reserved 8 days for trial on the Court's calendar, through Thursday, May 29, 2014 (Monday, May 26, 2014 is the federal holiday of Memorial Day). *See* ECF No. 32 at 5, ECF No. 33.
2. Plaintiffs seek to modify the Case Management Plan in order to save resources of both the parties and the Court. Through the course of preparing this case through discovery and trial preparation, Plaintiffs have concluded they will need no more than three days to present all witnesses in their case to the Court at trial. Also, Defendants' counsel informed the undersigned that Defendants will similarly need no more than three days to present their case.
3. Accordingly, to conserve both the Court's and the parties time and expense in this litigation, Plaintiffs wish to reduce the eight days currently scheduled for trial to six days.

Furthermore, due to scheduling conflicts and witness sequencing needs, Plaintiffs will likely be unable to call their expert witness earlier than Thursday, May 22, 2014. Accordingly, to accommodate Plaintiffs' needs and the needs of their expert witness, Plaintiffs respectfully request that the reduction in days for trial be accompanied by moving the start date of trial from Monday, May 19, 2014 to Wednesday, May 21, 2014.

4. Defendants' counsel consents to compressing the trial from eight to six days, but objects to changing the start date to May 21, 2014 claiming that this change "unfairly burdens them." Specifically, counsel stated that "Defendants have prepared our witnesses and scheduled our professional obligations according to a trial start date of May 19, 2014. Defendants, Defendants witnesses, Defendants expert, and Defendants' counsel have all prepared to go forward on May 19, 2014." However, this is not a sufficient explanation of burden. Since the trial was already scheduled to last eight days, Defendants and their counsel and witnesses should have been prepared to give testimony and present their case during the latter half of trial, when a defendants case typically occurs. Accordingly, Defendants have presented no credible showing that Plaintiffs' requested relief would burden them.

5. In light of the foregoing, Plaintiffs ask the Court to modify both the parties' Case Management Plan adopted by the Court (ECF Nos. 32 and 33) and the Trial Scheduling Order (ECF No. 35) to accommodate this request.

Plaintiffs file this motion now in order to give the Court sufficient time to consider this request in advance of the scheduled April 17, 2014 final pretrial conference. In the hope of avoiding the unnecessary consumption of the Court's time in reviewing and ruling on superfluous requests, Plaintiffs chose to delay seeking this relief until after the February 3, 2014

Settlement Conference based on Plaintiffs' good faith belief that the parties would reach a settlement. *See* ECF No. 82. However, no settlement was reached. *Id.*

Conclusion

For the foregoing reasons, Plaintiffs respectfully request the Court modify the parties' Case Management Plan and the Court's Trial Scheduling Order by compressing the trial to six days and commencing the trial on May 21, 2014.

Dated: March 11, 2014

Respectfully submitted,

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| <p><u>/s/ J. Christian Adams</u> J. Christian Adams Admitted <i>Pro Hac Vice</i></p> <p>ELECTION LAW CENTER, PLLC 300 N. Washington Street, Ste. 405 Alexandria, VA 22314 Tel: (703) 963-8611 Email: adams@electionlawcenter.com</p> <p>David R. Langdon Joshua B. Bolinger</p> <p>LANGDON LAW LLC 8913 Cincinnati-Dayton Rd. West Chester, Ohio 45069 Tel: (513) 577-7380 Fax: (513) 577-7383 Email: dlangdon@langdonlaw.com jbolinger@langdonlaw.com</p> | <p><u>/s/ Chris Fedeli</u> Paul J. Orfanedes Chris Fedeli Admitted <i>Pro Hac Vice</i></p> <p>JUDICIAL WATCH, INC. 425 Third Street S.W., Ste. 800 Washington, DC 20024 Tel: (202) 646-5172 Fax: (202) 646-5199 Email: porfanedes@judicialwatch.org cfedeli@judicialwatch.org</p> |
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Chris Fedeli

Chris Fedeli